

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN THE MATTER OF:

NORTHPOINT VILLAGE
OF UTICA, LLC

Case No. 08-53097-SWR
Chapter 11
Hon. Steven W. Rhodes

Debtor.

_____/

GERALD L. DECKER (P 31485)
Attorney for Debtor
42700 Schoenherr Rd., Ste. 3
Sterling Heights, MI 48313
(586) 532-1122

**DEBTOR'S RESPONSE TO SECURED CREDITOR
MIKE GENSON MECHANICAL, LLC'S MOTION TO DISMISS
CHAPTER 11 DEBTOR NORTHPOINT VILLAGE OF UTICA'S
BANKRUPTCY PETITION PURSUANT TO 11 USC §1112(b)
OR IN THE ALTERNATIVE TO LIFT THE AUTOMATIC STAY
PURSUANT TO 11 USC §362(d)(3)**

NOW COMES the Debtor, NORTHPOINT VILLAGE OF UTICA, LLC, by and through its attorney, GERALD L. DECKER, and for its Response to Secured Creditor Mike Genson Mechanical, LLC's Motion to Dismiss says as follows:

1. Debtor neither admits nor denies the allegations contained in Paragraph 1 for the reason that it lacks information or knowledge sufficient to form a belief as to the truth of said allegations.
2. Admitted.
3. Admitted.

4. Debtor neither admits nor denies the allegations contained in Paragraph 4 for the reason that it lacks information or knowledge sufficient to form a belief as to the truth of said allegations.

5. Debtor neither admits nor denies the allegations contained in Paragraph 5 for the reason that it lacks information or knowledge sufficient to form a belief as to the truth of said allegations.

6. Admitted.

7. Admitted.

8. Admitted.

9. The portion of the allegations regarding the Debtor's testimony to "buy some time" is admitted, however, the balance of the allegation is conclusory. While the Debtor hopes that he won't have to pay the state court judgment, the Debtor hopes to arrive at that set of circumstances through a successful appeal.

10. The Debtor admits that the purpose of filing the Chapter 11 petition was to obtain the automatic stay of all collection activities that comes with filing a petition for Chapter 11 protection.

11. Debtor admits that the dispute between the Debtor and the first lien priority Judgment Creditor should be resolved in the state court action, however, the Debtor needs Chapter 11 protection to avoid a foreclosure of the facility while the appeal is pending.

12. Denied for the reason that the same is not true.

13. Denied for the reason that the same is not true.

14. Denied for the reason that the same is not true.

15. Admitted.

16. Admitted.

WHEREFORE, your Debtor respectfully requests that this Honorable Court deny
Creditor Mike Genson Mechanical, LLC's Motion to Dismiss.

Respectfully submitted,

/s/ Gerald L. Decker
GERALD L. DECKER (P 31485)
Attorney for Debtor
42700 Schoenherr Rd., Ste. 3
Sterling Heights, MI 48313
(586) 532-1122
gldeckerlaw@aol.com

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